

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DOMINIC V. DiMODICA,

Plaintiff,

v.

ROBERT MURPHY, KATHLEEN
DENNEHY, and the MASSACHUSETTS
DEPARTMENT OF CORRECTION,

Defendants.

Civil Action No. 05-10286-PBS

**JOINT MOTION TO EXTEND THE DATE FOR FILING AN EVALUATOR'S
REPORT, SUSPEND THE SUMMARY JUDGMENT DEADLINE, AND CONVERT THE
SUMMARY JUDGMENT HEARING TO A FURTHER STATUS CONFERENCE**

The parties respectfully request that the Court (1) extend the time in which Plaintiff, Dominic V. DiModica ("DiModica" or "Plaintiff"), must file a report from an expert evaluator, (2) suspend the March 15, 2007 date for Defendants to respond to the amended complaint and for the parties to file summary judgment motions, and (3) convert the April 13 summary judgment hearing to a further status conference. In support of this Motion, the parties state as follows:

1. Plaintiff has retained Dr. Paul D. Zeizel, a forensic psychologist, to evaluate Plaintiff and propose a treatment plan. A copy of Dr. Zeizel's curriculum vitae is attached as Exhibit A.
2. The Court set a deadline of February 28, 2007 for Plaintiff to submit a report from an evaluator. Because Dr. Zeizel is presently reviewing Plaintiff's treatment records as part of his evaluation, he has not yet prepared a report. Therefore, the

parties respectfully request that the Court extend the date by which Plaintiff must file Dr. Zeizel's report to April 6, 2007.

3. The Court scheduled a hearing for summary judgment motions on April 13, 2007 at 3 p.m. The parties respectfully request that the Court convert the summary judgment hearing to a further status conference. At that time, Plaintiff will have submitted Dr. Zeizel's report to both the Defendants and the Court. Also at that time, the Court can re-set the summary judgment deadline, if necessary, and establish deadlines for any further action in this matter based on Dr. Zeizel's report.
4. The parties continue to work in good faith in an effort to resolve this matter without a trial or prolonged litigation.

WHEREFORE the parties respectfully request that the Court extend the time for Plaintiff to file Dr. Zeizel's report, suspend the March 15 summary judgment deadline, and convert the April 13 summary judgment hearing to a further status conference.

Respectfully submitted,

DOMINIC V. DiMODICA,

ROBERT MURPHY, KATHLEEN
DENNEHY, and the MASSACHUSETTS
DEPARTMENT OF CORRECTION,

By his attorney,

By their attorneys,

/s/ Jennifer A. Serafyn
Jennifer A. Serafyn (BBO #653739)
Seyfarth Shaw LLP
World Trade Center East
Two Seaport Lane, Suite 300
Boston, MA 02210-2028
(617) 946-4800

/s/ Mary P. Murray
Mary P. Murray (BBO #555215)
Department of Correction
Massachusetts Treatment Center
Legal Office
30 Administration Road
Bridgewater, MA 02324
(508) 279-8184

Dated: February 28, 2007

Dated: February 28, 2007

Exhibit A

Curriculum Vitae

PAUL D. ZEIZEL

Permanent Address:

529 Ward Street
Newton, MA 02459
(617) 965-8191

Office Address:

1101 Beacon St, Ste. 8E
Brookline, MA 02446
(617) 731-4300

Educational Background:

- 1981 - 1987 Massachusetts School of Professional Psychology, Psy.D.
Clinical Psychology
- 1978 - 1979 Harvard University
Graduate School of Education
Ed.M.
Majority of coursework in Psychology and Social Relations.
- 1977 - 1978 Boston University Graduate School
Counselor Education Department
Humanistic - Existential Team
Ed.M.
- 1973 - 1977 Queens College
City University of New York
B.A. Magna Cum Laude
- 1974 - 1975 University of Leeds, England
Visiting Student
- Work Experience:**
- 1994 -current Sovner Center - a program of Bridgewater
Clinical Director
65 Newbury Street
Danvers, MA 01923
Evaluations and treatment of Forensic Patients:
.Team Leader in Clinical Case Conference and Risk Management meetings
.Supervise and train psychology graduate students
.Supervise Master's level clinicians
- 1986 -current Forensic Consultant (appointed by Department of Correction as Qualified Examiner to
examine and make recommendations pertaining to Sexual Dangerousness, M.G.L.,
Chapter 123A, Section 1, 12, 13, and 9.)
Probate and Family Courts, Norfolk and Newton
District Courts, East Boston, Roxbury, Malden, Newton
Juvenile Court, Boston
US Federal Courts
Superior Court, Suffolk County, Middlesex County, Plymouth County, and Essex County
to testify at Section 9, Section 13A, probable cause hearings

Qualified as an independent expert examiner to evaluate and testify on
 Sec. 9 cases (Sexually Dangerous Person) in Superior Court, Middlesex,
 Suffolk, Plymouth and Essex, Worcester, Hampden, Norfolk Counties. Over 400 trials
 .Perform psychodiagnostic evaluations
 .Provide expert testimony for disability, trauma, and psychopathology
 .Consultant to District Attorney's Offices – multiple counties – Sexually Dangerous
 Person's Law
 .Investigate and make recommendations regarding child custody, care, and protection,
 and criminal responsibility, and competency
 .Fulfill court appointments as Guardian ad litem
 .Petition for Section 18(a) transfers to psychiatric facilities
 .Evaluations and court testimony in front of Sex Offender Registry Board

1997 - 1998 Tri-City Mental Health and Retardation Center, Inc.
 61 Boston Avenue
 Medford, MA 02155

Hired by DSS to provide sexual offender and sexual abuse evaluation for clients and
 families of DSS. Evaluations include psychodiagnostic assessment and reports for court
 testimony.

1990 - 1993 Assistant Chief of Mental Health
 Suffolk County House of Correction, Boston, MA
 Develop and direct mental health services and sophisticated suicide prevention program
 for 1200 male and female inmates.
 .Train doctoral and medical students affiliated with Massachusetts General Hospital —
 Law and Psychiatry Department
 .Conduct in-service education modules for medical and corrections staff
 .Evaluate inmates for parole
 .Conduct research study on stalkers and violators of restraining orders
 .Provide 24 hour emergency on-call coverage
 .Evaluate level of dangerousness for inmates

1988 -current Private Practice in Cognitive-Behavioral Psychotherapy
 1101 Beacon Street, Suite 8E
 Brookline, MA 02446

1985 - 1993 Association for the Advancement in Behavioral Sciences
 Westlake, CA

Part-time instructor in psychology licensing review course

1987 -current Newton-Wellesley Hospital
 2014 Washington Street
 Newton, MA 02465

Providing supervision to Post-Doctoral trainees in
 Cognitive-Behavioral Psychology and Inpatient
 Evaluation of C.C.D./Anxiety Disorders

1993 -current Office of Medical Services
 Central Intelligence Agency

Supplemental Care Provider with Employee Assistance Program

- 1981 - 1988 Behavior Associates of Boston
45 Newbury Street
Boston, MA. 02116
- Psychology assistant in group private practice.
Individual and group treatment of adults in outpatient setting using Behavior Therapy
Behavioral consultant to Metropolitan State Hospital, Cambridge-Somerville Unit
Specialization in Behavioral Medicine, agoraphobia, and anxiety disorders
- 1984 - 1985 Behavioral Medicine Center of New England
54 Hopedale Street
Hopedale, MA
- Pre-Doctoral Internship in outpatient practice.
Individual psychotherapy; Psychological testing and staff training at Milford-Whitinsville
Hospital. Training included stress management, workshops to Nursing Department on
Behavioral Strategies with difficult patients. Consulting and admitting privileges at
Milford-Whitinsville Hospital
- 1979 - 1981 Wrentham State School
Psychology Department
P.O. Box 144
Wrentham, MA
- Principal Supervising Psychologist assuring the delivery of quality psychological services
through staff training, supervision and direct counseling and psychological testing for
clients. Provided cognitive assessments and behavioral management plans for specific
clients. In charge of delivery of psychological services to 100 developmentally disabled
clients. Supervised Boston College students -- M.A. level
- 1980, Fall Fisher Junior College Instructor
Boston, MA
- 1977 - 1978 Somerville Mental Health Center
63 College Avenue
Somerville, MA
- Psychology Intern, providing long- and short-term psychotherapy with children and adults,
and group therapy with children and adolescents.
- 1975 - 1977 Oz Counseling Center
153-07 61st Road
Flushing, NY
- Counselor for members of the College community, coordinator of staff meetings and
participants in the training of new staff.

1976 New York University Medical Center
Institute of Rehabilitation Medicine
400 East 34th Street
New York, NY

Awarded fellowship in Health Services. Learned how therapy was provided to disabled patients. Attended Grand Rounds.

1975 Lifeline Center for Child Development
84-74 169th Street
Jamaica, NY

Teacher of Emotionally Disturbed Children

Presentations:

- November 2006, Guest Lecturer, Tabor Academy, Forensic Psychology "Risk Assessment of Dangerousness" to Psychology classes
- September 2004 – 2005, Massachusetts Professional Psychology, Field Placement Supervisor for School Profession Psychology provided clinical supervision and forensic training of fourth year doctoral student
- December 2005, Hua Hin, Thailand, Consultation to real estate development company, partnership with Ministry of Children to discuss development and planning of women and children's shelter who've been trafficked and sexually exploited in commercial sex trade
- December 2005, Consultant to Sok Sabay, Phnom Penh, Cambodia – Requested by United States Embassy to informally consult to residential shelter, training of staff and providing psychodiagnostic evaluation of children rescued from situations of enslaved prostitution, violence, abandonment and slavery.
- May 2004, Guest Lecturer, Newton North High School: "Law and Psychology" – Forensic Evaluation
- September 2004 – Training seminar, Forensic Psychology Evaluations and Treatment
- June 2002, Consultant to New Jersey Protection and Advocacy, Trenton New Jersey, Attorney General's Office – involved in Federal law suit for six developmentally disabled individuals with sex offender history to recommend appropriate treatment paradigms for individuals who will be transitioned from institutional setting to the community, additionally, working with developmentally disabled arsonists who set fires which resulted in the loss of life.
- October 2001, Training, "Dealing with Post Traumatic Stressors of 9/11" - GLMH
- June 1999, Key note speaker for the Department of Mental Retardation, State of Washington, Ellensburg Annual Conference on Sex Offender Treatment for the Developmentally Disabled
- Winter, 1999, Key note speaker "Sex Offenders and Treatment," Seattle, Washington, Department of Mental Retardation
- Lecturer for Commonwealth Educational Seminars: Cape Cod, Braintree, Warwick, RI, on "Recent Advances in Anxiety Disorders", 1994.
- Center for Disease Control, September, 1992 – April, 1993, Course work in dealing with spread and treatment of HIV/AIDS in a public health and mental health paradigm
- Psychological Evaluation for Massachusetts State Police for Fitness of Duty for 270 police academy cadets, 1993
- Seminar presented on "Treatment of Panic Disorder", Lynn Hospital, 1993.
- Seminar presented on "Nature and Treatment of Anxiety Disorders", Baldpate Hospital, 1993.
- Behavioral Intervention with the Mentally Retarded, Atlanti-Care Hospital, Lynn, Spring 1990.
- Staff Training on Learning Theory, Massachusetts Osteopathic Hospital, Fall 1989.
- Cognitive-Behavioral Therapy Seminars, 10 weeks, to post-graduate

students and Newton-Wellesley Hospital, Spring 1989.
Borderline Personality Disorder, Department of Mental Retardation, Spring 1989.
Treatment of Sexual Offending, Department of Mental Health, Fall 1988
Training in Cognitive Behavior, Psychology Treatment of Depression,
Staff of Vietnam Veteran's Center, Veterans Administration, Winter 1986; Spring 1987.
Presentation to Massachusetts Psychology Association, Cognitive-
Behavioral Therapy in Groups; Agoraphobia Therapy Group, Fall 1985.
Consultation in Behavioral Medicine to Dorchester Mental Health Clinic, 1985.
Stress Management Workshop, Milford Dailey News, June 1985.
Behavioral Medicine Treatment of Chronic Pain, Visiting Nurses Association, June 1985.
Biofeedback and Treatment of Migraine Headache, Massachusetts General
Hospital, Neurology Department, May 1985.
Diagnosis and Treatment of Agoraphobia, Workshop at Neponset Mental
Health Center, six-week training program, Spring 1984.
Seminar presented on "Nature and Treatment of Phobic Disorders", Arbor Hospital, Fall 1982.
Seminar presented on "Stress" to Psychology Department, Wrentham State School, Winter 1980.

Awards and Acknowledgements:

December 2006 – Retained Expert, Military Court Martial, United States Coast Guard, First District Legal
Office, Atlantic Avenue, Boston, Massachusetts, retained by Coast Guard Expert Witness in Military
Court Martial for a Sexual Offending Coast Guard Officer
Training in the use of the Hare Psychopathy Checklist-Revised – September of 2006
Consulting Psychologist with staff privileges, Newton-Wellesley
Hospital, Department of Psychology, Newton, MA.
Consulting Psychologist with staff privileges, Balldate Hospital,
Georgetown, MA.
Intensive training in Biofeedback Instrumentation, Boston University
Medical Center, August 1983.
Certified to administer, score and interpret WAIS, WISC, WIPPSI,
Stanford-Binet Intelligence Tests and MMPI.
DeWitt Wallace Fellowship (N.Y.U. Medical Center)
Magna Cum Laude, Queens College, 1977.
December, 1999, Key note presenter "Sex Offenders in Treatment", Seattle, Washington, Department of
Mental Retardation

Memberships (Past and Current):

Association for the Treatment of Sexual Abusers (ATSA) – full member
American Psychological Association
Association for the Advancement of Behavior Therapy
Massachusetts Psychological Association
American Board of Forensic Examiners - full member

Publications:

P. Zeisel, Ed.M., Raynolds, M.A., M.Ed.
Test Taking Skills Seminar -- a guide to reducing test anxiety in college.
P. Zeisel, Psy.D. -- Home Relaxation Practice and Bronchial Asthma.

Licensure: Licensed to practice psychology as a psychologist in the Commonwealth of Massachusetts.

References will be furnished upon request.

Extracurricular:

- . Finalist, New York City High School outdoor track and field championship mile relay, 1973
- . University of Leeds basketball team – 1974, 1975
- . Marathon running
- . Youth coach, Boston Athletic Association since 1996 – present
- . Youth basketball coach
- . Youth soccer coach
- . Member of Board of Directors, Newton Girls' Basketball Association
- . Dana Hall Girls' School, Wellesley, MA - Cross-country coach – 1998, 1999
- . Adventure travel – Atlas Mountain, Morocco, Laos, Burma, Cambodia, Thailand